UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,712	08/31/2001	Cameron Black	10731.73USU1	1737

			EXAMINER
23552	7590	01/06/2005	LY, ANH

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ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/944,712	BLACK ET AL.
		Examiner	Art Unit	
		Anh Ly	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 July 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _07/29/2004_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on 07/29/2004 have been fully considered but they are not persuasive. Applicants argued that, ""there is no suggestion or motivation to combine the teaching of Meyerzon with that of Schiller." (Page 3, lines 15-16, lines 22-23, lines 28-28 and Page 4, lines 3-4).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, In this case, Scheller et al. of 6,442,573 (hereinafter Schiller) and Meyerzon et al. of 6,547,829 (hereinafter Meyerzon) are from the same field of endeavor and both are directed to identify and remove the unwanted/duplicate document or image file. One having ordinary skill in the art would have found it motivated to combine the teachings of Schiller and Meyerzon because that would provide Schiller's system the enhanced capability of reducing the overhead in the processing of retrieving documents or images, thereby removing the duplicate documents or images. Moreover, the examiner kindly

submits that the applicants misread the applicable references used in the last office

action. However, when read and analyzed in light the specification, the invention as

claimed does not support applicant's assertions. Actually, applicants are interpreting the

claims very narrow without considering the broad teaching of the references used in the

rejections. Additionally, it is important to note that the examiner interpretation of the

claims, wherein, the examiner explicitly stated passages in the cited references which

were not even addressed. The aforementioned assertion wherein all the limitations are

not taught or suggested by the prior of record, was unsupported by objective factual

evidence and was not found to be substantial evidentiary value. The examiner has

provided in the last office action, a convincing one of reasoning as to why the artisan

would have found the claimed invention to have been obvious in light of the teachings of

the cited references. Applicants are reminded that 37 CFR 1.111(b) states, a general

allegation that the claims define a patentable invention without specifically printing out

how the language of the claims patentably distinguishes them from the references does

not comply with the requirements of this section. Therefore, the applicants have failed to

provided prim facie evidence how the language of the claims patentably distinguished

them from the cited references. Hence, the applicants' assertions are just mere

allegation with no supported fact.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,442,573 issued to Schiller et al. (hereinafter Schiller) in view of US Patent

No. 6,547,829 issued to Meyerzon et al. (hereinafter Meyerzon).

With respect to claim 1, Schiller discloses a first server processor for restoring a

plurality of received data files, the data files being capable of being different file types

(image files is are data files containing different types of image data, which are

automatically is receiving from a source via an image delivery processor: col. 26, lines 28-40);

a file organizing/categorizing processor for organizing the received data files, based on a predetermined user list, into a source directory structure and a destination directory structure (data repository or database containing image flies receiving image data stored in the database, which is organized using a data structure or hierarchical structure as directory; col. 19, lines 25-42);

a file logging processor for logging the received data files into a database formed by the source and destination directory structures and identifying a file type of the received data files (data repository is received data file: col. 17, lines 30-40);

an image conversion processor for converting the remaining, de-duplicated, data files into image files, respectively (converting image data file from one format to another format; col. 27, lines 10-24);

and a second server processor for exporting the image files (the image delivery server providing for transmitting certain types of image data: col. 9, lines 8-15).

Schiller discloses receiving certain types of image data via an image delivery service mechanism as well as transmitting the image files, organizing image data into a hierarchical structure and logging image data into a database, deleting the image data to replace the new one (col. 12, lines 25-38). Schiller does not explicitly teach a de-duplicate processor for calculating a SHA value of the received data files to determine whether the received data files have duplicates and flagging duplicated data files in the database.

However, Meyerzon teaches a hash function is used to calculate the duplicate

files by comparing the new one with the previously calculated one in order to detect the

duplicated documents (col. 8, lines 38-62).

Therefore, It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to combine the teachings of Schiller with the teachings of

Meyerzon so as to obtain the way to detect duplicated files by using the hash function

(col. 8, lines 38-62). This combination would have made the system having different

types of files such as image data files stored in the database as well as electronic mail

message attaching image data to be view by user or transmitting over the Internet

network and converting the image data files into a tiff file format (col. 3, lines 32-65) and

based on the removal of documents or image in order to reduce the overhead of

retrieval information.

With respect to claim 2, Schiller teaches wherein the image files are stored in the

database to be viewed (col. 3, lines 54-65).

With respect to claim 3, Schiller teaches wherein the image files converted from

the data files are in a tiff format (col. 3, lines 54-65).

With respect to claim 4, Schiller teaches wherein the data files include email data

files and user data files (email and software program: col. 3, lines 22-31).

With respect to claim 5, Schiller discloses wherein the email data files are in a

variety of formats including Microsoft Mail, Outlook, GroupWise, Lotus Notes,, the user

data files have a variety of formats including Word, Excel, PowerPoint, and Access

(Microsoft products such as Outlook, Access: col. 3, lines 24-31).

With respect to claim 6, Schiller discloses wherein the email data files include attachment data and email files (col. 3, lines 60-65).

With respect to claim 7, Schiller discloses wherein the attachment data and email files are associated with the email data files such that the: image data files for the email data files and the corresponding attachment data and email files can be viewed together (col. 3, lines 55-65).

With respect to claim 8, Schiller teaches wherein the file logging processor, the image conversion processor, and the second server processor are parallel processors such that the data files are parallel -processed in a data file logging stage, an image conversion stage, and an image file output stage (col. 10, lines 38-54, col. 29, lines 62-67, col. 30, lines 1-44 and col. 31, lines 15-18).

With respect to claim 9, Schiller discloses wherein the data files having the same file type are converted into the image files together (col. 27, lines 1-24).

With respect to claim 10, Schiller discloses wherein the data management system includes a plurality of image conversion processors, each of the image conversion processors being capable of converting the data files having the same file type into the corresponding image files (col. 27, lines 1-24).

With respect to claim 11, Schiller discloses a system as discussed in claim 1.

Schiller discloses receiving certain types of image data via an image delivery service mechanism as well as transmitting the image files, organizing image data into a hierarchical structure and logging image data into a database, deleting the image data to replace the new one (col. 12, lines 25-38). Schiller does not explicitly teach wherein

the file logging processor identifies the file type of the data files based on the SHA value

and a file header of each of the data files.

However, Meyerzon teaches a hash function is used to calculate the duplicate

files by comparing the new one with the previously calculated one in order to detect the

duplicated documents (col. 8, lines 38-62).

Therefore, It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to combine the teachings of Schiller with the teachings of

Meyerzon so as to obtain the way to detect duplicated files by using the hash function

(col. 8, lines 38-62). This combination would have made the system having different

types of files such as image data files stored in the database as well as electronic mail

message attaching image data to be view by user or transmitting over the Internet

network and converting the image data files into a tiff file format (col. 3, lines 32-65) and

based on the removal of documents or image in order to reduce the overhead of

retrieval information.

Claim 12 is essentially the same as claim 1 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 1

hereinabove.

Claim 13 is essentially the same as claim 2 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 2

hereinabove.

Claim 14 is essentially the same as claim 3 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 15 is essentially the same as combination of claims 4, 5 and 6 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claims 4, 5 and 6 hereinabove.

Claim 16 is essentially the same as claim 7 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 17 is essentially the same as claim 8 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 8 hereinabove.

Claim 18 is essentially the same as claim 9 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 19 is essentially the same as claim 10 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 20 is essentially the same as claim 11 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 11 hereinabove.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or
via E-Mail: ANH.LY@USPTO.GOV **or fax to (571) 273-4039**. The examiner can
normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean
Corrielus (571) 272-4032.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306

ANH LY
DEC. 14th, 2004

JEAN M. CORRIELUS
PRIMARY EXAM